

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P02813WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003535	International filing date (<i>day/month/year</i>) 02.04.2004	Priority date (<i>day/month/year</i>) 16.05.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant SIEMENS AKTIENGESELLSCHAFT		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-8 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. 1-12 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/5-5/5 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims	<u>1-12</u> YES
	Claims	_____ NO
Inventive step (IS)	Claims	<u>1-12</u> YES
	Claims	_____ NO
Industrial applicability (IA)	Claims	<u>1-12</u> YES
	Claims	_____ NO
2. Citations and explanations (Rule 70.7)		
Reference is made to the following document:		
D1: EP-A-1 059 576 (SIEMENS AG; LEUZE ELECTRONIC GMBH & CO (DE)) 13 December 2000 (2000-12-13)		
<p>Document D1 is considered the prior art closest to the subject matter of claims 1 and 8 and discloses a communications processing device and a method for network communication, said communications processing device containing a processing arrangement for processing incoming signals and for generating and/or preparing outgoing signals, and a code storage arrangement which is integrated into said processor arrangement for preparing a code for the processor arrangement.</p> <p>The subject matter of claims 1 and 8 thus differs from the known communications processing device and corresponding method in that the code in the code storage arrangement is encrypted and in that the processor arrangement is connected to an external decoding arrangement for the decoding of at least part of the code.</p>		

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The subject matter of claims 1 and 8 is thus novel (PCT Article 33(2)).

The present invention can therefore be considered to address the problem of preventing the code sequence from being mistakenly available in the processing arrangement, since this would lead, if an error occurs, to unauthorised transmission of the valid code sequence. At the same time, the structure of the communications processing device should be simplified and made cheaper.

The solution to this problem as proposed in claims 1 and 8 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

The integration of the encrypted code table in the processing arrangement reduces the number of customer-specific circuits in the communications processing devices, which can thus be produced more cost-effectively, since a standard circuit can be used for the external decoding. Functional security is nevertheless guaranteed. The prior art does not mention a possible reduction in the number of customer-specific circuits. The prior art contains nothing to indicate the solution proposed in the application.

Claims 2-7 and 9-12 are dependent on claims 1 and 8, respectively, and therefore likewise meet

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
the PCT requirements for novelty and inventive step.	

Industrial applicability is established with respect to all the claims.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The application does not meet the requirements of PCT Article 6 because claims 1 and 8 are unclear.

It would appear from page 2, lines 20 to 28 of the description that the presence of an external decoding arrangement is essential to the definition of the invention. Said section of the description states that "at least part of the encrypted code **is decoded outside the communications processing device and the decoded code is made available to the communications processing device**". This implies that an **external decoding arrangement must be connected to the processing arrangement**.

Since independent claim 1 contains instead of this feature merely the vague indication that "an external decoding arrangement **can be connected..**", it does not meet the requirement of PCT Article 6 in conjunction with PCT Rule 6.3(b) that each independent claim must include all the technical features essential to the definition of the invention. This objection could be overcome if claim 1 were to clearly state that "an external decoding arrangement **is connected..**".

Independent claim 8 does not meet the requirements of PCT Article 6 because the claim and the embodiments specified in the description are

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inconsistent. Consequently, contrary to PCT Rule 5.1(a)(iii), the description is inconsistent with the claims. According to the description, the code is decoded **outside the processing arrangement, but inside the communications processing device.** According to claim 8, however, the decoding takes place **outside the communications processing device.** To a person skilled in the art the solution as per the description would seem more logical.

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or acknowledge the relevant prior art disclosed therein.